No. 82-5105

RECEIVED
SEP 2 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

BRUCE THOMAS PHILLIPS
BEING HELD PRISONER AS:
WILLIAM JOHN HASLEM — Petitioner-Appellant

-v-

RONALD C. MARSHALL
SUPERINTENDANT
SOUTHERN OHIO CORRECTIONAL
FACILITY — Respondent-Appellee

ON APPEAL FROM THE SUPREME COURT OF OHIO

APPELLANT'S SUPPLEMENTAL BRIEF TO EXPAND ARGUMENT ON WHY QUESTIONS PRESENTED FOR REVIEW ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY REVIEW TO INCLUDE OHIO CONSTITUTION ARTICLE I ss 18 AS THIS CONSTITUTIONAL PROVISION WAS NOT INCLUDED IN JURISDICTIONAL STATEMENT ARGUMENT ON THE QUESTIONS PRESENTED

William J. Brown
Attorney General

Simon B. Karas
Assistant Attorney General
State Office Tower, 26th Flr.
30 East Broad Street
Columbus, Ohio 43215
614/466-5414

Attorneys for Respondent

Bruce Thomas Phillips
being held prisoner as:
William John Haslem
#124-110
Box 45699
Lucasville, Ohio
45699-0001

Petitioner-Appellant
Pro-Se & Forma Pauperis

TABLE OF CONTENTS

	Page
U.S. Constitutional Issues involved	1
Statement of Why Questions presented for review are so substantial as to require plenary consideration. (expansion of argument of questions already presented to include Ohio Constitution Article I ss 18 for consideration of appellant's jurisdictional statement)	1
Conclusion	5
Proof of service (last page)	

****

TABLE OF AUTHORITIES

Cleveland v Davis, 95 OS 52	3
D'Alton v Ritchie, 97 OS 41, 119 NE 124	2
In re Dugan, 1865, 6 D.C. 139	6
Jay v Boyd, Wash., 1956, 76 S.Ct. 513	4
Ferguson v Skrupa, 83 S.Ct. 1029	3
Knox v Maxwell, 13 Misc., 85, 277 F.Supp 593 (1967)	2
Morgenthau v Barrett, 1939, 60 S.Ct. 615	4
Payton v Rowe, 88 S.Ct. 1549	6
Skovgaard v The Tungus, C.A.N.J., 1957, 252 F.2d 14, affirmed 79 S.Ct. 503	4
Steele v Hopkins & Co. v Miller, 92 OS 115	3
Trustees v Hopkins, 91 OS 74, 109 NE 629	3
Williams v Scudder, 102 OS 305, 131 NE 481	1
Knapp v Schweitzer, N.Y. 1958, 78 S.Ct. 1302	4

APPENDIX

Florida Magistrate Court judgement	A1
State of Florida Governors Warrant	A2
Executive Department of Ohio Appointment of agents	A3

CONSTITUTIONAL PROVISIONS & STATUTES CITED

Ohio Constitution Article I ss 18 "No power of suspending laws shall ever be exercised except by the general assembly."	1,2,3,4,5,6
Ohio Constitution Article II sec. 26 (J.S. Pg. 5)	2 & 3
OAG No. 3053 (J.S. Pg. 7)	1
Ohio Revised Code 2121.01 et. seq. (J.S. A. 6-11)	1,2, 3,5
U.S. Constitution amendment 14 (J.S. Pg. 4)	2,3,4,5,6
" " " 5 (J.S. Pg. 4)	4,5,6,
Ohio Revised Code 2121.08A (J.S. A. 10)	3

U. S. CONSTITUTIONAL ISSUES INVOLVED

5th amendment; due process of law: (J.S. Pg. 4)

14th " : equal protection of the law: (J.S. Pg. 4)

AMEND CONSTITUTIONAL PROVISIONS AND STATUTES THAT THIS CASE INVOLVES TO INCLUDE:

Ohio Constitution Article 1 ss 18:

"No power of suspending laws shall ever be exercised, except by the general assembly."

****

To expand argument on STATEMENT OF WHY QUESTIONS PRESENTED FOR REVIEW ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION

To include Article I ss 18 of Ohio Constitution provision for consideration of appellant's jurisdictional statement.

MEMORANDUM TO SUPPORT

The General Assembly of Ohio enacted O.R.C. 2121.01 et. seq. (J.S. A. 6-11) which is called the Ohio'Presumed Decedents Law.' Under this law, The State of Ohio, through it's Cuyahoga County Court of Common Pleas decreed William John Haslem, "the alleged escapee" legally dead for all purposes under the law of this state on June 6, 1978 (J.S. A.4)

Appellee's Motion to Dismiss, on which Ohio Supreme Ct. dismissed Appellants petition for writ of habeas corpus (J.S. A. 1) from which this appeal is taken, states on Pg. 3 (R) of his motion that the law in this case should be deemed repealed: however; Ohio Constitution Art. I ss 18 sets forth:

"No power of suspending laws shall ever be exercised, except by the general assembly."

and the following case law supports, Ohio laws will not be nullified:

"The legislative judgement as to the public need will not be nullified except when it clearly appears that there has been a gross abuse of such discretion in undoubted violation of some state or federal constitutional provision: Williams v Scudder, 102 OS 305, 131 NE 481 (affirming judgement of court of appeals which affirmed, 31 OD (NP) 169, 65 Bull 139 (Ed)

By dismissing appellants petition for writ of habeas corpus (J.S. A.4), Ohio Supreme Ct. has suspended & nullified O.R.C. 2121.01 (J.S. A 6-11) when this law is made DIRECTLY APPLICABLE to an inmate of a state institution who has escaped and not been heard from for seven or more years by OAG No. 3053 (J.S. Pg. 7) in violation of Ohio Constitution Article I ss 18, and in doing

so Ohio Supreme Ct. has deprived appellant of equal protection of law in violation of amendment 14 of the U.S. Constitution (J.S.Pg4)

> "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protedtion of the laws."

when equal protection of the law is a fundamental right of appellant as guaranteed by the 14th amendment of the U.S. Constitution.

At the same time in appellees Motion to Dismiss R. Pg. 3, he acknowledges that the death decree of William John Haslem is in fact valid, but petitioner should avail himself of Ohio's POST CONVICTION LAWS, and submit the death decree as "NEW EVIDENCE," Evidence which Haslem could not present at the time of his trial in 1966, and that habeas corpus was not the correct remedy that petitioner should use.

Appellant, in his Brief in Opposition to Respondent's Motion To Dismiss (R. Pg.3) clearly states that he has nothing to do with the sentence of Haslem, nor is appellant concerned whether or not sentence of Haslem is terminated or not. Appellant is not challenging the sentence of Haslem (J.S. A. 5) and habeas corpus is the only remedy that is availibble to appellant:

> "Since Ohio Post Conviction procedure by its terms applies only to persons challenging convictions or judgements, habeas corpus remains the remedy availiable for persons challenging the legality of their confinement before convictions, and for persons challenging their confinement on grounds unrelated to conviction."
> Knox v Maxwell, 13 Misc. 85, 227 F. Supp 593 (1967)

The 'Ohio Presumed Decedents Law" O.R.C. 2121.01 (J.S. A. 6-11) is a law of general nature and must have uniform operation throuought the state of Ohio as the following supports:

> "All laws or parts of laws relating to the jurisdiction of the common pleas court are laws of a general nature and must have uniform operation throughout the state."
> D'Alton v Ritchie, 97 OS 41, 119 NE 124

Ohio Constitution Article I ss 18 requires that this law may not be suspended, except by the general assembly, Article II sec 26 of Ohio Constitution mandates that this law must have uniform operation throuought the state (J.S. Pg. 5) and the Supreme Ct. of Ohio, in dismissing appellants petition for writ of habeas corpus (J.S. A.I) failed to uphold the law of Ohio and the judgement decree, decreeing William John Haslem legally dead for all purposes under the law of this state, issued by The State of Ohio, through it's Cuyahoga Cnty. Common Pleas Ct. in violation of Ohio Const. Art. II sec. 26 which mandated that this law have uniform operation as the following supports:

"A statute is general and uniform within the requirements of the constitution, if it operates equally upon every person and locality within the circumstances covered by the act, and when a classification has a reasonable basis it is not invalid merely because not made with exactness or because in practice it may result in some inequality."
Trustees v Hopkins, 91 OS 74, 109 NE 629
Steele, Hopkins & Co. v Miller, 92 OS 115
Cleveland v Davis, 95 OS 52
Xenia v Schmidt, 101 OS 437

By dismissing appellants petition for habeas corpus (J.S. A.1) Ohio Supreme Ct. violated Article II sec. 26 of Ohio Const. (J.S. A4) by failing to give this law uniform operation and suspending this law in violation of Ohio Constitution Article I ss 18 which mandates that only the general assembly may suspend Ohio laws, and by doing so the Ohio Supreme Ct. denied equal protection of the laws of Ohio to the appellant in violation of the 14th amendment of the U.S. Const. and in violation of the fundamental right of the appellant to equal protection of law as guaranteed by the 14th amend. of the U.S. Const.

"Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

States have a broad power when it comes to making classifications, and the U.S. Supreme Ct. has recognised this power in:

Ferguson v Skrupa 83 S.Ct. 1029

The Ohio Presumed Decedents Law, O.R.C. 2121.01 (J.S. A. 6-11) was enacted by the Ohio General Assembly. Under this law, The State of Ohio classified the "alleged escapee Haslem" legally dead, for all purposes under the law of this state on 6/6/78 through it's Cuyahoga Cnty. Ct. of Common Pleas (J.S. A. 4) Under Ohio Constitution Article I ss 18, this law may not be suspended.

Under O.R.C. 2121.08 A (J.S. A. 10) of the Presumed Decedents Law, The Supreme Ct. of Ohio may not re-classify the legally dead man, William John Haslem (J.S. A. 4) into a living person, as the following Ohio case law cites support:

"If any doubt exists with reference to the validity of a method of classification which has been made by the legislature, the doubt must be resolved in favor of the classification."
Cleveland v Davis, 95 OS 52

"The legislature has inherent power to classify, limited only by the constitution."
Xenia v Schmidy, 101 OS 437

By dismissing appellant's petition for writ of habeas corpus (J.S. A. 1) on appellees Motion to Dismiss for failure to state a claim upon which relief may be granted (R) when relief must be release from prison, Ohio Supreme Ct. has violated the Ohio Const. Article I ss 18 which mandates that Ohio laws may not be suspended or repealed except by the Ohio general assembly, and by illegally nullifying O.R.C. 2121.08 A (J.S. A. 10) in which the general assembly of Ohio has manifested its power to classify through, and which the Ohio Supreme Ct. must abide by:

> "Courts are controlled by language of statute, and arguments as to policy of statute must be addressed to the legislature and not to the courts."
> Morgenthau v Barrett, 1939, 60 S.Ct. 615

> "In interpretation of statute, it is presumed that legislature did not employ useless verbage and that each word has independent meaning."
> Skovgaard v The Tungus, C.A.N.J., 1957, 252 F 2d 14
> affirmed 79 S.Ct. 503

> "The plain meaning of a statute must be adopted, however severe the consequendes."
> Jay v Boyd, Wash., 1956, 76 S.Ct. 513

Appellant's fundamental rights guaranteed to him under the U.S. Constitutions 5th & 14th amendments which guarantee to all persons-due process of law & equal protection of law, were violated on or about 9/30/81, when officials of The State of Ohio placed appellant in prison in the name of William John Haslem, to serve the sentence of that person, who had allegedly escaped from Ohio prison on 2/27/69, without affording appellant due process of law when the 14th amendment of the U.S. Constitution requires that states, in enforcing their criminal laws, must do so only by due process of law,

> "This amendment imposes restrictions upon the states in making and enforcing criminal laws in so far as it requires due process of law."
> Knapp v Schweitzer, N.Y., 1958, 78 S.Ct. 1302

when the legal requirements of extradition, a process under which appellant was brought into the jurisdiction of the State of Ohio mandate that he be dealt with according to law.

Appellant was found to be only an alleged fugitive by Miami, Florida Dade Cnty. Magistrates Court (A. 1) Governor of Florida signed a warrant to give over alleged fugitive to Ohio officials to be taken to Ohio, and there to be dealt with according to law. (A. 2) Ohio Executive Department appointed officials to receive Haslem, the alleged fugitive, from Florida-to be taken to Ohio, and there to be dealt with according to law. (A. 3)

Appellant was NOT DEALT WITH ACCORDING TO LAW, when the specific requirements of the legal documents which support the extradition of appellant from Florida to Ohio are, that appellant be dealt with according to law. Appellant was placed in prison in the name of a person whom he is not, William John Haslem, as this person was decreed legally dead by The State of Ohio, through it's Cuyahoga Cnty. Ct. of Common Pleas on 6/6/78 (J.S. A. 4), according to law O.R.C. 2121.01 et. seq. (J.S. A. 6-11)

Appellant petitioned Ohio Supreme Ct. for writ of habeas corpus on 3/8/82, citing violations of fundamental rights guaranteed to appellant by the 5th & 14th amendment of the U.S. Const. to due process of law & equal protection of law (R. orig. pet. pg 1) and presented prime facie evidence of his illegal imprisonment, the valid and duly litigated judgement/decree of the legal death of William John Haslem (R. orig. pet. Pg 11 ex. 5) issued by the State of Ohio according to law O.R.C. 2121101 (J.S. A. 6-11) through its Cuyahoga Cnty. Ct. of Common Pleas.

Supreme Ct. of Ohio dismissed appellants case (J.S.A.1) and in so doing, rendered appellants U.S. Constitutional rights, as guaranteed to him under the 5th & 14th amendments to due process of law & equal protection of law by the U.S. Constitution, invalid, and nullified and suspended the law of Ohio in violation of the Ohio Constitution Article I ss 18 which mandates:

> "No power of suspending laws shall ever be exercised except by the general assembly."

The dismissal of appellant's petition for writ of habeas corpus by Ohio Supreme Ct. violates the 14th amendment of the U.S. Constitution which requires:

> "nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

CONCLUSION

The Ohio Supreme Ct. erred in dismissing Appellants petition for Writ of Habeas Corpus for release from prison and denied appellant equal protection of the laws as guaranteed to him by the 14th amendment of the U.S. Constitution in that appellant is being forced to serve the sentence of William John Haslem, a person whom he is not; as the State of Ohio decreed William John Haslem legally dead for all purposes under the law of the State of Ohio

on 6/6/78 and as such, The State of Ohio cannot legally expect any other person to serve the sentence of William John Haslem, "the alleged escapee" as all other persons are entitled to be equally protected by the decree issued by the State of Ohio through it's Cuyahoga Cnty. Ct. of Common Pleas on 6/6/78, decreeing that person legally dead, for all purposes under the law of the state, for any responsibilities for the dead persons liabilities.

The Supreme Ct. of Ohio erred in dismissing appellants petition for habeas corpus for release from prison by denying equal protection of the laws to appellant which are guaranteed to appellant by the 14th amendment of the U.S. Constitution by violating the Ohio Constitution Article I ss 18 which mandates that Ohio laws never be suspended except by the general assembly, and in doing so denied the right of the Ohio General Assembly to classify: a power that is recognised by the U.S. Supreme Ct. in Ferguson v Skrupa.

The Supreme Ct. of Ohio erred in dismissing appellants petition for writ of habeas corpus by denying to appellant equal protection of the law and due process of law which violates the fundamental rights of appellant guaranteed to him under the 5th & 14th amends. of the U.S. Const. by sustaining appellees Motion to Dismiss for failure to state a claim for which relief can be granted-when relief must be release from prison, when, in appellees motion to dismiss, appellee failed to show any legal cause, under the law, for appellants incarceration: as under habeas corpus, prisoner may require his jailer to justify his detention under law:

> "Writ of habeas corpus, where available, assures among other things, that prisoner may require his jailer to justify the detention under law."
> Payton v Rowe, 88 S.Ct. 1549
>
> "The privelege of the writ of habeas corpus is the right of the citizen to be discharged from imprisonment unless legal cause can be shown for his detention."
> In re Duncan, 1865, 6 D.C. 139

When the highest court of the state evades constitutional issues and denies a citizen equal protection of state laws, a case arrises under the Constitution, statutes & treaties of the U.S. and appellate review by the U.S. Supreme Ct. is warranted.

Respectfully submitted,

Bruce Thomas Phillips

Bruce Thomas Phillips
Petitioner-Appellant
Pro-Se & Forma Pauperis

Being held prisoner in name of:
William John Haslem
#124-110
Box 45699
Lucasville, Ohio
45699-0001

IN THE MAGISTRATE COURT
METROPOLITAN DADE COUNTY

The alleged fugitive, WILLIAM JOHN HASLEM aka JOHN PHILLIPS aka VICTOR BENJAMIN being produced before me and having been advised by me of the demand made for his delivery to the agents from the State of OHIO. Governor Warrants from the State of Florida and the State of OHIO having been produced before me, you are hereby remanded to the State of OHIO, and the Sheriff of Dade County, Florida, is ordered to turn you over to the agents from said State.

Dated at Miami, Florida, this 31st day of JULY A.D., 19 81.

MAGISTRATE COURT JUDGE
METROPOLITAN DADE COUNTY

114.01-01

THE STATE OF FLORIDA

To all and singular the Sheriffs and all Peace Officers of the Several Counties of this State to Whom This May Come, Greetings:

WHEREAS, The Executive authority of the State of Ohio has demanded of the Executive authority of the State of Florida the delivery and surrender of the body of William John Haslem, aka Victor Benjamin, aka John Phillips as a fugitive from justice from said State of Ohio to said State of Florida, and has produced and filed with the Executive authority of said State of Florida to which said State William John Haslem, aka Victor Benjamin, aka John Phillips has fled from the State of Ohio a copy of Demand, Judgment & Sentence, and Warrant.

charging the said person so demanded with having committed in said State of Ohio against the laws of said State of Ohio the crime of Murder second degree and escaped.

and which is certified as authentic by the Executive of said State of Ohio

NOW, THEREFORE, This is to command you to apprehend and arrest the body of the said William John Haslem, aka Victor Benjamin, aka John Phillips and deliver his said body to Grover H. Powell, & agents as listed. agent of the said State of Ohio, duly authorized and empowered to receive and convey the said William John Haslem to the state of Ohio, then and there to be surrendered to the legal authorities of said State, to be dealt with according to law;

PROVIDED, NEVERTHELESS, AND IT IS EXPRESSLY UNDERSTOOD, That all fees, expenses or charges in the execution of this order be paid by the said State of Ohio

Hereof fail not at your peril.

IN WITNESS WHEREOF, I have hereunto signed my name, and caused to be affixed the Great Seal of State, at Tallahassee, Florida, this 27th day of July A.D., 1981.

Governor

By the Governor

Secretary of State

A2
A2

Executive Department

OFFICE OF THE GOVERNOR

APPOINTMENT OF AGENT

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JAMES A. RHODES, Governor, hereby appoint

Captain Grover H. Powell, Lt. Frank M. Miller, Captain John W. Moore, and/or Mr. Russell L. Griffith

to receive from the appropriate authorities of the State of

Florida

WILLIAM JOHN HASLEM aka VICTOR BENJAMIN aka JOHN PHILLIPS

fugitive from justice, and convey him to the State of Ohio, for

return to Ohio,

there to be dealt with according to law.

IN WITNESS WHEREOF, by my Authenticating Officer, I have signed this Appointment of Agent and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 22nd day of July, 1981.

Robert F. Howarth, Jr.
Authenticating Officer for
GOVERNOR JAMES A. RHODES
(Ohio Rev. Code Sec 107.15)

ATTEST:

Secretary of State

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

No. 82-5105

BRUCE THOMAS PHILLIPS
being held prisoner as:
WILLIAM JOHN HASLEM — Petitioner-Appellant

-v-

RONALD C. MARSHALL
SUPERINTENDANT
SOUTHERN OHIO CORRECTIONAL
FACILITY — Respondent-Appellee

PROOF OF SERVICE

Bruce Thomas Phillips, after being duly sworn, deposes and says that pursuant to Rule 28.3 of this court he served the within SUPPLAMENTAL BRIEF TO AMMEND CONSTITUTIONAL PROVISIONS AND STATUTES THAT THIS CASE INVOLVES and APPELLANT'S SUPPLEMENTAL BRIEF TO EXPAND ARGUMENT ON WHY QUESTIONS PRESENTED FOR REVIEW ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY REVIEW TO INCLUDE OHIO CONSTITUTION ARTICLE I ss 18 AS THIS CONSTITUTIONAL PROVISION WAS NOT INCLUDED IN JURISDICTIONAL STATEMENT ARGUMENT ON THE QUESTIONS PRESENTED, on counsel for the Respondent Appellee by enclosing a copy thereof in an envelope, first class postage prepaid, addressed to;

Simon B. Karas
Assistant Attorney General
State Office Tower, 26th Flr.
30 East Broad Street
Columbus, Ohio 43215

and deposited same in the United States Mails at Southern Ohio Correctional Facility at Lucasville, Ohio on this 30 day of August 1982.

Bruce Thomas Phillips
Bruce Thomas Phillips
Petitioner Appellant
Pro-Se & Forma Pauperis

being held prisoner as:
William John Haslem
#124-110
Box 45699
Lucasville, Ohio 45699-0001

Subscribed & Sworn to before me
this ___day of _____1982

_____
Notary Public

(The notary public at this institution Mr. Paul Adams refused to notarize the proof of service but I swear that I have mailed these documents.
Bruce Thomas Phillips
Bruce Thomas Phillips

No. 82-5105

RECEIVED
SEP 2 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

BRUCE THOMAS PHILLIPS
BEING HELD PRISONER AS:
WILLIAM JOHN HASLEM — Petitioner-Appellant

-v-

RONALD C. MARSHALL
SUPERINTENDANT
SOUTHERN OHIO CORRECTIONAL
FACILITY — Respondent-Appellee

ON APPEAL FROM THE SUPREME COURT OF OHIO

APPELLANTS SUPPLEMENTAL BRIEF TO AMEND CONSTITUTIONAL PROVISIONS AND STATUTES THAT THIS CASE INVOLVES

William J. Brown
Attorney General

Simon B. Karas
Assistant Attorney General
State Office Tower 26th Flr.
30 East Broad Street
Columbus, Ohio 43215
614/466-5414

Attorneys for Respondent

Bruce Thomas Phillips
being held prisoner as:
William John Haslem
#124-110
Box 45699
Lucasville, Ohio
45699-0001

Petitioner Appellant
Pro-Se & Forma Pauperis

Under this courts rule 16.6 appellant is filing this supplamental brief to include in THE CONSTITUTIONAL PROVISIONS AND STATUTES THAT THIS CASE INVOLVES the following Article of the Ohio Constitution.

OHIO CONSTITUTION

Article I SS 18:

"No power of suspending laws shall ever by exercised, except by the general assembly."

At the time appellant filed his jurisdictional statement, appellant was unaware of the existance of Art. I ss 18 of the Ohio Constitution and therefore did not include this constitutional provision in his jurisdictional statement. Appellant was not aware of the existance of this Ohio Constitutional Article because of the sporadic availiability of legal material from the prison law library where he is confined.

This Ohio Constitutional provision is fairly included in questions presented in this case, and its inclusion will not raise any new issues and it is necessary for the fair and just resolution to the questions presented for review.

CONSLUSION

In the interest of fairness and justice that this cause requires, and to which the Appellant is entitled, Appellant prays this court to permit the inclusion of Article I ss 18 of the Ohio Constitution in addition to the constitutional issues and statutes already presented to this court in the jurisdictional statement.

Respectfully submitted,

Bruce Thomas Phillips

Bruce Thomas Phillips
Petitioner Appellant
Pro-Se & Forma Pauperis.

being held prisoner in name of:
William John Haslem
124-110
Box 45699
Lucasville, Ohio
45699-0001

nbn

RECEIVED
SEP - 9 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

No. 82-5105

BRUCE THOMAS PHILLIPS Petitioner-Appellant
BEING HELD PRISONER AS:
WILLIAM JOHN HASLEM
-v-
RONALD C. MARSHALL Respondent-Appellee
SUPERINTENDANT
SOUTHERN OHIO CORRECTIONAL
FACILITY

PROOF OF SERVICE

Bruce Thomas Phillips, after being duly sworn, deposes and says that pursuant to Rule 28.3 of this court he served NOTICE OF DOCKET NUMBER on form provided by this court on:

Simon B. Karas
Assistant Attorney General
30 East Broad Street 26th flr.
Columbus, Ohio 43215

Attorney for Respondent-Appellee

by enclosing the form provided by this court in an envelpoe, first class postage prepaid, as addressed above, and depositing same in the United States Mails as Lucasville, Ohio on 8/2/82

Bruce Thomas Phillips
Bruce Thomas Phillips
Petitioner-Appellant
Pro-Se & Forma Pauperis

being held prisoner as:
William John Haslem
#124-110
Box 45099
Lucasville, Ohio
45099-0001

Subscribed and Sworn to Before Me

this _____ day of _____ 1982

_____
Notary Public

(THE NOTARY PUBLIC at this prison Mr. Paul Adams, has refused to notarize the Proof of Service but I swear under penalties of perjury that I have maild same, on the above date.

Bruce Thomas Phillips
Bruce Thomas Phillips
Petitioner-Appellant
Pro-Se & Forma Pauperis

82-5105

RECEIVED
SEP - 2 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Clerk of the Court
United States Supreme Court
1 First St. NE
Washington, D.C. 20543

August 29, 1982

Re: Case # 82-5105

Dear Sir;

On August 2, 1982 I received your letter informing me that my appeal was docketed in the U.S. S. Ct. on 7/23/82. Enclosed in your letter was a form for notifying opposing counsel of the case number, which I mailed to opposing counsel on the same day that I received it, which was on August 2, 1982.

Under this courts rule 16.1 appellee has 30 days to file a motion to dismiss or affirm, unless time is enlarged under the provisions of Rule 29.4.

Appellees copy of the jurisdictional statement was sent to him by me as the proof of service indicates-on July 20, 1982, so Appellee would have received it on 7/22/82.

I have received no notice from appellee that he has requested an enlargement of time under Rule 29.4, as his request must be made within the 30 day period following his receipt of the jurisdictional statement.

My question is, has the appellee filed a motion to affirm or dismiss case # 82-5105 ?

If Appellee has filed the above entitled motions, I have not received any copy as of the above date.

Under this courts Rule 16.6 I am filing the enclosed supplemental briefs as the information was unavailiable to me at time of my filing my jurisdictional statement.

The notary public at this prison refuses to notarize the proof of service as rule 28.3 requires that proof of service be notarized. I hope the proof of service is sufficient as signed by me. I dont know what else to do!

Also-I have along with the docketing of the jurisdictional statement included a Motion To Dispense With Colored Covers as this Courts Rule 33.2b requires Colored Covers. I hope that this Motion will be granted as there is no colored paper here at this prison in which I can make covers from and hope you will accept my documents with the white covers.

Sincerely
Bruce Thomas Phillips
Bruce Thomas Phillips
Petitioner Appellant
Pro-Se & Forma Pauperis

Being held prisoner as:
William John Haslem
#124-110
Box 45699
Lucasville, Ohio 45699-0001

PS: Please stamp the onionskin as to date received and return to me along with answers to above, if possible.

END OF DOCKET